

Customer No.: 31561  
Application No.: 10/065,679  
Docket No.: 8696-US-PA

## **REMARKS**

### **Present Status of the Application**

The Office Action rejected claims 1-9. Specifically, the Office Action rejected claims 1 and 3-9 under 35 U.S.C. 102(b) as being anticipated by Yashiro et al. (U. S. Patent 5,238,722; hereinafter Yshiro). The Office Action also rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Yashiro in view of Miyamoto et al. (U. S. Patent 6,636,477; hereinafter Miyamoto). The Office Action also objected drawings. Applicants have amended claim 1 and added claim 16. Applicants have also amended drawings. After entry of amendments, claims 1-9 and 16 remain pending in the present application, and reconsideration of those claims is respectfully requested.

### **Discussion of Office Action Rejections**

The Office Action rejected claims 1 and 3-9 under 35 U.S.C. 102(b) as being anticipated by Yashiro. The Office Action also rejected claim 2 under 35 U.S.C. 103(a) as being unpatentable over Yashiro in view of Miyamoto et al.. Applicants respectfully traverse the rejections for at least the reasons set for below.

The present invention particularly introduces the optical correction layer 23 formed on the dye material layer 22. First, *the dye material, as known by the skilled artisan, is the organic*. In other words, the present invention is directed to the organic dye material for recording. Then,

for the organic dye layer, in order to improve the recording quality, the optical correction layer 23 is used. As shown in Table 1, *the optical correction layer 23 can improve the tracking signal, or more specifically at least significantly improve the 1<sup>st</sup> order diffraction value to improve the tracking signal*, as recited in newly added claim 16.

In re Yashiro (FIG. 2), *the recording layer 2 is inorganic* (col. 3, lines 27-34).

Also and, the intermediate layer 5 is formed over the recording layer 2. The intermediate layer 5 works with the undercoat layer 4 to improve the reflectivity of the recording layer (col. 3, lines 55-61). However, *Yashiro failed to specifically disclose the claimed features about using the "optical correction layer" to improve the tracking signal*. Or more specifically, Yashiro failed to specifically disclose the claimed features recited in newly added claim 17 about *improving the 1<sup>st</sup> order diffraction value as recited in claim 16 based on Table 1*.

It should be noted that the use of improving the reflectivity of the recording layer for the intermediate layer 5 does not equally disclose the role of the optical correction layer 23 of the present invention.

Particularly (col. 4, lines 3-8), the intermediate layer 5 has the thickness of 0.01 ~ 30 microns or 100 ~ 300,000 Angstroms. For this range, it allows the intermediate layer 5 to be quite thick and possibly *hundred times thicker (in 30 microns condition) than the recording layer 2 by 1000 ~ 2000 Angstroms (col. 4, lines 38-40)*. In other words, the intermediate layer 5 of Yashiro is not used to improve the tracking signal, such as 1<sup>st</sup> order diffraction value, as proposed by the present invention.

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Moreover, since the dye material layer is organic and the optical correction layer is formed on this organic material layer, the structure with the specific function of the present invention is not disclosed by Yashiro. Furthermore, due to this difference of structure, the fabrication process is different (even though the fabrication process is not claimed invention, it provides further evidence about different structure).

With respect to claim 2 depending on claim 1, Miyamoto never specifically discloses the film structure layer for optical recording medium either, and therefore fails to disclose the missing features in Yashiro.

For at least the foregoing reasons, Applicants respectfully submits that independent claim 1 patently define over the prior art references, and should be allowed. For at least the same reasons, dependent claims 2-9 and 16 patently define over the prior art references as well.

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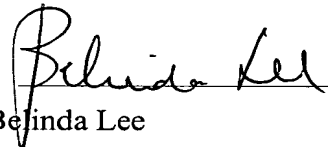
**CONCLUSION**

For at least the foregoing reasons, it is believed that all the pending claims 1-9 and 16 of the invention patently define over the prior art and are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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